



MINUTES OF THE BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Sachi A. Hamai, Executive Officer-  
Clerk of the Board of Supervisors  
383 Kenneth Hahn Hall of Administration  
Los Angeles, California 90012

At its meeting held July 25, 2006, the Board took the following action:

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At the time and place regularly set, notice having been duly given, the following item was called up:

Hearing on proposed amendments to the County Code, Title 21 - Subdivisions and Title 22 - Planning and Zoning, to establish and amend regulations and policies, delete obsolete provisions, and establish fees relating to density bonuses and incentives for affordable housing and senior citizen housing within the unincorporated area of the County to implement changes to the State-mandated Density Bonus Laws (All Districts); also approval of Negative Declaration (ND) and determination that the project will not have a significant effect on the environment or adverse effect on wildlife resources, that the proposed amendments are consistent with the Los Angeles County General Plan, and that the ND reflects the independent judgment of the Board, as further described in the attached letter dated May 31, 2006 from the Acting Director of Planning.

All persons wishing to testify were sworn in by the Executive Officer of the Board. Julie Moore and Ron Hoffman, representing the Department of Regional Planning were duly sworn and testified. Opportunity was given for interested persons to address the Board. Tim O'Connell, Jay Ross, Terra Donlon and other interested persons addressed the Board. Correspondence was presented.

Supervisor Yaroslavsky made the following statement:

"Minor changes to the proposed density bonus ordinance are required to ensure that the County ordinance meets the intent of the state mandate to 1) provide a stable and adequate supply of affordable and senior citizen housing and 2) provide sufficient opportunity for interested parties to bring available facts to the attention of County decision makers. These changes will help ensure that affordable and senior citizen housing developments will meet the needs of the populations they serve while not adversely affecting the communities where they are built.

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“Further, State law only allows the County to deny a non-discretionary housing application if at least one of two specific findings are made. Allowing appeals of a project that uses only ‘on-menu’ incentives or are based on facts irrelevant to those two legally acceptable reasons for denying a project would unnecessarily discourage the development of worthwhile affordable housing developments. However, the process as it currently stands fails to adequately promote the ‘on-menu’ incentives and unfairly denies the neighbor of a project the same privilege that a developer has to appeal a decision to the Planning Commission in order to bring relevant facts to light.”

Therefore, Supervisor Yaroslavsky made a motion, seconded by Supervisor Molina, to close the hearing and approve the recommendations of the Regional Planning Commission as amended to include the following:

- Senior citizen housing developments shall be reserved for senior citizens for at least 30 years from the issuance date of the certificate of occupancy; and
- When an “off-menu” incentive is requested, an appeal to the Regional Planning Commission may be made by the applicant or any other interested party. Alternatively, the decision may be called up for review by the Commission within 21 days of receipt of notification. An appeal under these circumstances may only be deemed valid by the Planning Director if that appeal is based on facts that the Planning Commission can legally consider for denial of a project under state law. Further, all notices of decision must contain a statement informing recipients of the notice of the following: a) that the project is subject to an administrative permit and is not subject to discretionary review; b) of the limited grounds on which an appeal may be filed; and, c) of the limited grounds on which the Planning Commission may legally deny a permit under state law. The decision of the Planning Commission shall be final.

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Supervisor Burke offered a suggestion that Supervisor Yaroslavsky's motion be amended to instruct the Regional Planning Department staff to report back to the Board within 60 days on ways to protect the public and neighbors from developers who may utilize the density bonus to overcome or avoid some of the zoning restrictions and issues such as traffic, parking, water, and health and safety; whether or not clarification from the State is needed on "on-menu" and "off-menu" incentives to assist the County in meeting requirements. Supervisor Yaroslavsky accepted Supervisor Burke's amendment.

After further discussion, Supervisor Yaroslavsky made a motion, seconded by Supervisor Antonovich, to remove from the "on-menu" incentives, any right of appeal by a developer, so there would be no right of appeal on the "on-menu" incentives.

On motion of Yaroslavsky, seconded by Supervisor Burke, duly carried by the following vote: Ayes: Supervisors Molina, Burke, and Yaroslavsky; Noes: Supervisors Knabe and Antonovich, the Board closed the hearing and took the following actions:

1. Considered and adopted the attached Negative Declaration prepared for the project; determined that there is no substantial evidence that the project will have a significant effect on the environment, and that the Negative Declaration reflects the independent judgment and analysis of the Board;
2. Made a determination that the project is consistent with the goals, policies and programs of the Los Angeles County General Plan;
3. Made a finding that the proposed amendments to the County Code, Title 21 - Subdivisions and Title 22 - Planning and Zoning are de minimus in their effect on fish and wildlife resources and authorized the Acting Director of Planning to complete and file a Certificate of Fee Exemption for the project;
4. Approved the recommendations of the Regional Planning Commission as amended to include the following:
  - Senior citizen housing developments shall be reserved for senior citizens for at least 30 years from the issuance date of the certificate of occupancy;

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- When an off-menu incentive is requested, an appeal to the Regional Planning Commission may be made by the applicant or any other interested party. Alternatively, the decision may be called up for review by the Commission within 21 days of receipt of notification. An appeal under these circumstances may only be deemed valid by the Acting Director of Planning if that appeal is based on facts that the Planning Commission can legally consider for denial of a project under state law. Further, all notices of decision must contain a statement informing recipients of the notice of the following: a) that the project is subject to an administrative permit and is not subject to discretionary review; b) of the limited grounds on which an appeal may be filed; and, c) of the limited grounds on which the Planning Commission may legally deny a permit under state law. The decision of the Planning Commission shall be final; and
  - Remove from the “on-menu” incentives, any right of appeal by a developer, so there would be no right of appeal on the “on-menu” incentives;
5. Instructed the Regional Planning Department staff to report back to the Board within 60 days on ways to protect the public and neighbors from developers who may utilize the density bonus to overcome or avoid some of the zoning restrictions and issues such as traffic, parking, water, and health and safety; whether or not clarification from the State is needed on “on-menu” and “off-menu” incentives to assist the County in meeting requirements; and
6. Instructed County Counsel to prepare the necessary ordinance for final approval.

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Attachment

Copies distributed:

Each Supervisor  
Chief Administrative Officer  
County Counsel  
Acting Director of Planning